UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Via U.S. Postal Service and Electronic Mail

July 25, 2013

Mr. Keat Saw, Director
Planning Design & Construction
25800 Carlos Bee Boulevard
Hayward, California 94542
keat.saw@csueastbay.edu

Re: Polychlorinated Biphenyls, Toxic Substances Control Act – Soil Excavation Notification for Warren Hall Site, California State University East Bay (CSUEB) – USEPA R9 Approval

Dear Mr. Saw:

The U.S. Environmental Protection Agency Region 9 (USEPA R9) has reviewed the ACC Environmental Consultants' letter dated July 11, 2013 (ACC Letter). This letter includes CSUEB's plan to cleanup soils contaminated with polychlorinated biphenyls (PCBs) in the immediate area of the Warren Hall Building (WHB). USEPA R9 is approving the cleanup plan under the Toxic Substances Control Act (TSCA) regulations in 40 CFR 761.61(c) with the conditions established below. In addition, USEPA considers the ACC Letter as the Application required under 40 CFR 761.61(c).

The source of PCB contamination in soils within 12 feet of the WHB appears to be the PCB-containing caulk that sealed the windows of the building. The PCB-containing caulk was removed in June 2013, in advance to the demolition of the WHB to occur in August 2013.

USEPA Conditions of Approval

1. **Certification.** Within 15 days before starting the PCB cleanup activities, CSUEB must submit the written certification required in 40 CFR 761.61(a)(3)(i)(E). The certification, which must be signed by both the owner of the property and the cleanup party, should also include the language under "Certification" in 40 CFR 761.3.

2. **Soil cleanup level and cleanup confirmation samples in all excavation areas.** USEPA has established a risk-based PCB cleanup level for soils at the CSUEB campus site of 0.22 milligram / kilogram (mg/kg). This PCB concentration represents a 10^{-6} excess lifetime cancer risk and it is also protective of non-cancer or potentially toxic health impacts.

   The cleanup confirmation (or verification) samples must be collected at 0 to 3 inches below the bottom of Excavation Areas A, B, C, D, and any additional excavation area that might be necessary to complete the PCB cleanup at the site. At a minimum, one soil sample must be collected from each excavation wall in Excavation Areas A, B, C, and D.

3. **Excavation Area B.** Based on Figure 3, the highest PCB concentration in soil for Excavation Area B and represented by sample WH-3A is 0.71 milligram/kilogram (mg/kg or ppm) and not 0.33 ppm as indicated in the ACC Letter. In addition, sample WH-3 is reported as ND (not detected) for PCBs with a detection limit of 1.0 ppm and that analytical detection limit is higher than the PCB cleanup level of 0.22 mg/kg total PCBs. Excavation B must include removal of soils immediately adjacent to the building and within the proposed limits of excavation.

4. **Excavation Area D.** If cleanup verification samples in Area D show the presence of PCBs above the cleanup level, additional step out samples must be collected within 0 to 3 inches below the current soil surface before conducting additional excavation.

5. **Outdoor air monitoring during excavation.** This approval does not cover outdoor air monitoring during excavation for worker protection.

6. **Containers for storage of soils contaminated with PCBs.** This condition requires that containers storing soil contaminated with PCBs be properly secured and locked to prevent access to the contaminated soils by others. The soils must be disposed within 30 days after waste generation.

7. **Off-site disposal facility.** ACC / CSUEB propose to dispose of the soils containing PCBs at a permitted municipal solid waste landfill. The permit for that facility must allow disposal of soils containing total PCBs below 50 mg/kg. Also refer to 40 CFR 761.61(a)(5)(i)(B)(2)(iv).

8. **Dust control.** During excavation, dust control measures must be implemented in a manner that prevents generation of surface water runoff that may transport PCB containing soils to other areas of the site.

9. **Extraction method and sample extract cleanup methods.** The TSCA PCB regulations allow Extraction Method 3540C (Soxhlet) and 3550C (Ultrasonic) for PCBs. However, USEPA prefers the Soxhlet extraction method based on the extraction reliability of this method compared to the Ultrasonic method. This condition requires the use of the Soxhlet extraction method for soil cleanup verification samples. Matrix interferences must be reduced before analysis via Method 8082A to consistently achieve a PCB analytical detection limit for soil that is, at a minimum, 50% lower than the 0.22 mg/kg PCB cleanup level. An extract cleanup procedure or a combination thereof must be used to reduce matrix interferences. USEPA extract cleanup procedures include sulfuric acid (Method 3665A), Florisil (Method 3620C), and gel permeation column (Method 3640C).

10. **Decontamination of movable equipment and sampling equipment and tools.** Moveable equipment used in the soil cleanup and sampling equipment and tools must be decontaminated consistent with the requirements in 40 CFR 761.79(c)(2) and 40 CFR 761.79(e). CSUEB must keep records of the decontamination consistent with 40 CFR 761.79(f). Decontamination waste residues

must be disposed of at an offsite disposal facility consistent with the requirements in 40 CFR 761.79(g).

11. **Soil cleanup confirmation results; PCB cleanup completion report; and Compliance with the PCB cleanup level.** The analytical results for all soil cleanup confirmation samples must be submitted to USEPA R9 review immediately after those results are available.

    Within 90 days after the date of this approval letter, CSUEB must submit for approval a PCB cleanup completion report that at a minimum addresses the requirements in 40 CFR 761.61(a)(9). CSUEB must demonstrate compliance with the cleanup level via a statistical evaluation of the soil cleanup verification data (analytical results) using USEPA's ProUCL statistical program. The 95% upper confidence limit of the mean of the analytical results must be calculated via ProUCL and compared to the 0.22 mg/kg cleanup level to determine compliance with the cleanup level. Please submit an outline of the report and contact USEPA R9 to discuss this matter before preparing the report.

This conditional approval does not relieve the owner of the property and the cleanup party from complying with all other applicable federal, state, and local regulations and permits. CSUEB and ACC must comply with the PCB remediation waste disposal requirements in 40 CFR 761.61(a) and the approved cleanup plan (the ACC Letter) as modified by the conditions of approval established in this letter.

Departure from the approval conditions without prior written permission from USEPA may result in the commencement of proceedings to revoke this approval, and/or an enforcement action. Nothing in this approval bars USEPA from imposing penalties for violations of this approval or for violations of other applicable TSCA PCB requirements or for activities not covered under this approval.

This approval only applies to the WHB at the CSUEB site. USEPA reserves the right to require additional characterization and/or cleanup of PCBs at the WHB area if new information shows that PCBs remain at the site above the USEPA-approved PCB cleanup level.

We look forward to assisting the CSUEB during implementation of the approved PCB cleanup plan.

Please call Carmen D. Santos at 415.972.3360 if you have any questions concerning this approval or wish to discuss any of the conditions of approval.

Sincerely,

Jeff Scott, Director
Waste Management Division

Cc: Donna Placzek, CSUEB
Ian Sutherland, ACC Environmental Consultants
Caleb Shaffer, USEPA R9
Carmen D. Santos, USEPA R9